

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LAIBILITY  
LITIGATION

This Document Relates to:  
All Cases

) MDL Docket No. 2419

) Master File No. 1:13-md-2419-RWZ

**RESPONSE TO LEAD COUNSEL’S EMERGENCY MOTION FOR THE AUGUST 16,  
2016 HEARING TO BE CONDUCTED TELEPHONICALLY**

The undersigned Virginia counsel represents 19 Tort Trust Beneficiaries (the “GL Virginia Claimants”). The GL Virginia Claimants file this Response to Lead Counsel’s Emergency Motion for the August 16, 2016 Hearing to be Conducted Telephonically [ECF 3032].

1. On August 1, 2016, unaffiliated Virginia counsel representing 154 Tort Trust Beneficiaries filed their Motion to Compel Tort Trustee to Make Timely Distributions, Terminate Negotiations with CMS, Refrain from Expanding the Obligations of Tort Trust Beneficiaries Beyond Those Called for Under the Controlling Documents, and Motion to Compel Tort Trustee and Plaintiff Steering Committee to Instruct CMS to Allow Trust Beneficiaries to Open Claims with CMS [ECF 3019] (the “Motion”).

2. Counsel for the GL Virginia Claimants contacted Judge Zobel's Docket and Courtroom Clerks to see if the Motion could be heard at the already scheduled hearing on August 16, 2016.

3. On August 8, 2016, Lisa Urso, Courtroom Clerk, responded to counsel by email stating that the Motion would be heard on August 16, 2016. Ms. Urso also responded to counsel by email that counsel for the Virginia Claimants could appear by telephone or in person.

4. In response to Ms. Urso's email, the undersigned counsel purchased a non-refundable airline ticket to appear in person at the hearing on August 16, 2016 (at a relatively modest cost of \$306). No undue financial burden will come to the Virginia Claimants as a result of appearing in court for the hearing on August 16.

5. The undersigned counsel is also aware that Tennessee counsel filed a similar motion and has also purchased plane tickets to attend the hearing on August 16, 2016 in person.

6. The Virginia Claimants suggest that any expense for air travel has already been incurred, and that any concern for vacation schedules may be addressed by having such counsel appear telephonically with or without a colleague from the same firm available in person for the hearing before Judge Zobel.

WHEREFORE, counsel for the GL Virginia Claimants respectfully requests that this court enter an order denying Lead Counsel's Emergency Motion for the August 16, 2016 Hearing to be Conducted Telephonically and permit the undersigned counsel to appear in person at the August 16, 2016 hearing.

Respectfully submitted, August 10, 2016.

By: /s/ J. Scott Sexton  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 10, 2016, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system, which then sent a notification of such filing (NEF) to all counsel of record.

/s/ J. Scott Sexton